

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:07CV220**

**ROCKCRUSHER, LLC;**  
**ROCKCRUSHER DIFFS 4X4 AXLE**  
**ASSEMBLIES PTY. LTD.; and G & J**  
**GEARS P/L,**

**Plaintiffs,**

**Vs.**

**BRYAN HAMILTON, and**  
**ROCKCRUSHER OFF-ROAD, L.L.C.,**

**Defendants.**

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**ORDER OF DISMISSAL**

**THIS MATTER** is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed November 5, 2007.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell, was designated to consider pending motions in the captioned civil action and to submit to this Court recommendations for the disposition of these motions.

On November 5, 2007, the Magistrate Judge filed a Memorandum and Recommendation in this case proposing that the Court dismiss the action for the Plaintiffs' failure to prosecute. The parties were advised that written objections to the findings of fact, conclusions of law, and recommendation contained in the Magistrate Judge's Memorandum and Recommendation were to be filed within 14 days of service of the Recommendation; the period within which to file objections expired on November 26, 2007. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Memorandum and Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the action be dismissed with prejudice.

**IT IS, THEREFORE, ORDERED** that this action is hereby  
**DISMISSED WITH PREJUDICE.**

**IT IS FURTHER ORDERED** that the Defendants' motions to dismiss and for summary judgment are hereby **DENIED** as moot.

Signed: November 29, 2007

A handwritten signature in black ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

